

JS-6

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

ECOLOGY RECYCLING SERVICES,
LLC; ECOLOGY AUTO PARTS,

Plaintiffs,

v.

ENGINEERING/REMEDIATION
RESOURCES GROUP, INC., et al.,

Defendants.

Case No. 5:19-cv-00278-FLA (SHKx)

**ORDER DISMISSING ACTION
WHILE RETAINING
JURISDICTION TO REOPEN THE
ACTION AND DENYING THE
PARTIES' STIPULATION TO
CONTINUE DATE TO FILE
DISMISSAL AS MOOT [DKT. 305]**

On October 12, 2022, Plaintiffs Ecology Recycling Services LLC, Ecology Auto Parts, Inc., and Jose G. Gonzalez Licon ("Plaintiffs") and Defendant Engineering/Remediation Resources Group, Inc. ("Defendant") filed a Notice of Settlement, stating the parties had reached a settlement resolving all claims and expected to finalize and execute a final settlement agreement by November 21, 2022. Dkt. 297.

On November 22, 2022, the parties filed a Joint Stipulation to File Dismissal of Entire Case ("Stipulation"). Dkt. 305. The parties state they are still working on a final settlement agreement, with the final remaining issue being the resolution of any


1 potential statutory lien Medicare may have against the third-party settlement, pursuant
2 to 42 C.F.R. § 411.24. *Id.* at 2. The parties, thus, request the court extend the
3 deadline to file a dismissal of the entire action from November 21, 2022 to December
4 30, 2022. *Id.*

5 Having considered the Notice of Settlement and Stipulation and finding good
6 cause therefor, the court hereby ORDERS:

- 7 1. All deadlines governing this action are VACATED.
- 8 2. The court DISMISSES the action without prejudice. The court retains
9 jurisdiction to vacate this Order and to reopen the action within 60 days
10 from the date of this Order, provided any request by a party to do so shall
11 make a showing of good cause as to why the settlement has not been
12 completed within the 60-day period, what further settlement processes
13 are necessary, and when the party making such a request reasonably
14 expects the process to be concluded.
- 15 3. This Order does not preclude the filing of a stipulation of dismissal with
16 prejudice pursuant to Fed. R. Civ. P. 41, which does not require approval
17 of the court. Such stipulation shall be filed within the aforementioned
18 60-day period, or by such later date ordered by the court pursuant to a
19 stipulation by the parties that conforms to the requirements of a showing
20 of good cause stated above.
- 21 4. The parties' Stipulation, Dkt. 305, is DENIED as moot.

22
23 IT IS SO ORDERED.

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25 Dated: November 28, 2022

26 
27 FERNANDO L. AENLLE-ROCHA
28 United States District Judge